

Remarks

Applicant respectfully submits that entry of this amendment is proper as it places the application in condition for allowance. The only amendments to the claims place them in the form that the Examiner has indicated to be allowable.

Claims 1-18 and 20-24 are pending, and claims 1-2, 5-11, 14, 16-18, and 20-24 stand rejected. By the foregoing Amendment, claims 3, 4, 12, and 13 are amended, and claims 1, 2, 5-11, 14, 16-18, and 20-24 are withdrawn. No new matter is added by this Amendment. Entry of the Amendment, and favorable consideration thereof, is earnestly requested.

Allowable Subject Matter

The Examiner has indicated that claims 3-4, 12-13 and 15 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, for the sole purpose of expediting prosecution, allowed claims 3 and 4 have been re-written in independent form, incorporating the limitations of previously presented claims 1-2 (from which they previously depended). Further, for the sole purpose of expediting prosecution, allowed claims 12 and 13 have been re-written in independent form, incorporating the limitations of claim 11 (from which they previously depended), with allowed claim 15 now properly depending from amended independent claim 12.

Specification

Additionally, the Examiner has objected to the use of term "biologically compatible rupture indicator" stating that the specification uses the terminology "chemical indicator." Applicant has amended all independent claims (claims 3, 4, 12 and 13, indicated to be allowable) to recite fully a "biologically compatible chemical rupture indicator," to clarify the claim language and overcome the Examiner's objection.

Within Applicant's specification, the terminology of "chemical indicator," "biologically compatible chemical indicator for indicating **rupture**," "biologically compatible chemical indicator," and "**rupture indicator**" are used throughout interchangeably. The terminology "chemical indicator" is used on page 6 (lines 1 and 23), page 7 (lines 1 and 2), and page 8 (line 1). The terminology "biologically compatible chemical indicator" is used at page 6 (line 18) and page 7 (line 7). The terminology "biologically compatible chemical indicator for indicating **rupture**" is used at page 1 (lines 14-15), page 5 (lines 17-18), and page 7 (line 7 and line 10). The terminology of "rupture indicator" is used at page 5 (line 16) and page 7 (line 21). Applicant has amended all independent claims herein to recite fully a "biologically compatible chemical **rupture indicator**," and and then when referencing this element later, recite "the **rupture indicator**," to overcome the Examiner's objection.

Claim Rejections under 35 U.S.C. §101

The Examiner has rejected claim 8 under 35 U.S.C. §101 as the directed to nonstatutory subject matter, specifically as it claims portions of the body. Per the Examiner's suggestion, Applicant herein has amended withdrawn claim 8 to recite "implantable in" rather than "implanted in."

Claim Rejections under 35 U.S.C. §102 and 35 U.S.C. §103

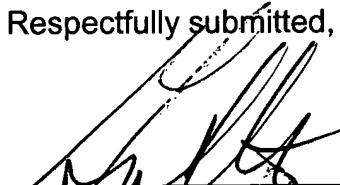
The Examiner has rejected claims 1-2 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,100,627 to Brill III. The Examiner has rejected claims 1, 7-10, 20-23 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,969,899 to Cox. The Examiner has rejected claims 1, 7-8, and 11 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,795,463 to Gerow et al. Further, the Examiner has rejected claims 1, 7-11, 20-24 under 35 U.S.C. §103(a) as being unpatentable over Cox in view of Gerow et al. For the sole purpose of expediting prosecution, Applicant herein has withdrawn

claims 1, 2, 5-11, 14, 16-18, and 20-24 in order to overcome these rejections and to proceed only with the claims indicated by the Examiner to be allowable, claims 3, 4, 12, 13, and 15. Applicant has traversed the present rejections.

Conclusion

It is respectfully submitted that claims 3, 4, 12, 13 and 15, all claims remaining in the application, are in order for allowance, and early notice to that effect is respectfully requested.

Respectfully submitted,



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